

FINES AND SUSPENSIONS BULLETIN

Fri, Oct 20 - Thu, Oct 26

PART ONE

The following action has been taken by the United States Trotting Association. This information is in an abbreviated form.

BELL, CHRISTOPHER C **STARKVILLE, MS** **YOB**
1986

USTA on 10/4/2012 **RESTORED TO GOOD STANDING(RES)**
AS OF 10/23/2017

USTA MEMBERSHIP ACTION

Indefinite suspension for violation of Rule 20, Section 10 "Issuing a dishonored check to USTA in payment of fees".

Status as of 10/23/2017 - Subsequent Ruling - Restored to good standing.

PART TWO - MAJOR PENALTIES

The following actions published herein and imposed pursuant to the rules and regulations of the Racing Commissions of the various states and provinces are given full faith and credit and strictly enforced by the United States Trotting Association consistent with the provisions of USTA Rule 22, Section 13 and 14 relative to RECIPROCITY OF PENALTIES. The fact that there is no separate action taken by the USTA in the form of a "ruling of reciprocity" shall not be construed as a failure to recognize and/or reciprocate with those published penalties.

Please note that the following action is in an abbreviated form. Further information may be available by contacting the Racing Commissions or their representatives.

BANGERT, JOHN A **HOMER, MI** **YOB 1963**
Nor on 6/9/2017

FINED: \$250
FULL - 15 DAYS, 8/13/2017 THRU
8/27/2017
HORSE DISQUALIFIED - PLACED 8,
PURSE REDISTRIBUTION

POSITIVE TEST- POST RACE

MGCB Ruling 7101- Mr. Bangert was the trainer of record of the horse DESTINY CRUISE when the post-race sample test was found to contain testosterone.

BROWER, BOBBY A **MUNCIE, IN** **YOB 1962**
HoP on 8/16/2016

FINED: \$40,000...*STAYED*
FULL - 5480 DAYS, 3/15/2017 THRU
3/15/2032...*STAYED*

ANY ACT OF CRUELTY TO A HORSE

): 71 IAC 5-1-14(b)(4); 71 IAC 5-1-14(b)(9); 71 IAC 5-1-14(b)(10); 71 IAC 5-

1-14(b)(16); 71 IAC 5-3-3(a)(5); 71 IAC 5-3-3(a)(18); 71 IAC 5-3-3(a)(27); IC 4-31-6-6(b)(4); IC 4-31-6-6(b)(9); IC 4-31-6-6(b)(10); IC 4-31-6-6(b)(15). On November 14, 2016, the Indiana Horse Racing Commission Staff filed Administrative Complaint No. 216005 against Bobby Brower. Specifically, the Administrative Complaint alleged Mr. Brower mistreated, abused and engaged in acts of cruelty towards the horse B ABland by training and beating B ABland to the point the horse suffered injury and shortly thereafter collapsed from exhaustion on or about August 18, 2016. The Administrative Complaint was the subject of a Final Order adopted by the Indiana Horse Racing Commission which ORDERED: 1. Mr. Brower is fined the sum of \$40,000; and 2. Mr. Brower is suspended for a period of fifteen (15) years. **Status as of 10/26/2017 - Stay - Pursuant to the Agreed Entry entered by the Madison County Circuit Court, Division 6, in Cause No. 48C06-1703-MI-279, Ruling No. HP2017-1010 is hereby rescinded and the matter shall be heard on the merits by the Administrative Law Judge assigned by the Indiana Horse Racing Commission.**

BYLER, URIE U
PHL on 9/8/2017

MIDDLEFIELD, OH **YOB 1962**
FINED: \$50
INDEFINITE SUSPENSION(IND) AS OF
10/18/2017

FAILURE TO OBTAIN PROPER LICENSE

PA CODE 58-183.251 Failed to complete licensing requirements for 2017 in Pennsylvania. All fines due within 10 days of ruling. Please note further that you have the right to appeal this decision in writing to the State Horse Racing Commission within ten (10) days after notice of this decision. The mailing address for an appeal is: The State Horse Racing Commission 2301 North Cameron Street Room 301 Harrisburg PA, 17110 ATTN: Brett Revington Phone (717) 787-5991

COLLAZO, LUIS E
Wdstk on 9/16/2017

EASTON, PA **YOB 1967**
FINED: \$250

**LOW OR EXCESS LEVEL OF AUTHORIZED MEDICATION
(BUTE/LASIX)**

In accordance with 11VAC10-180-70, trainer Luis Collazo is hereby fined \$250 for having flunixin and phenylbutazone above the regulatory thresholds present in a sample taken from POURSOMESUGARONME after finishing second in the second race at Shenandoah Downs on Saturday, September 16, 2017.

Wdstk on 9/16/2017

FINED: \$250

**LOW OR EXCESS LEVEL OF AUTHORIZED MEDICATION
(BUTE/LASIX)**

In accordance with 11VAC10-180-70, trainer Luis Collazo is hereby fined \$250 for having flunixin and phenylbutazone above the regulatory thresholds present in a sample taken from VICTORIA`S MUNKY after finishing second in the tenth race at Shenandoah Downs on Saturday, September 16, 2017.

CUSHING, MITCHELL D

ALBION, ME

YOB 1998

Bang on 10/11/2017

FINED: \$200

OFFENSIVE/PROFANE LANGUAGE

Mr. Cushing used profane and insulting language to the paddock Judge following the 10th race

DEVITA, NICHOLAS F

MIDDLETOWN, NY

YOB 1985

PHL on 4/14/2017

FINED: \$10,000

FULL - 365 DAYS, 10/17/2017 THRU
10/16/2018

HORSE DISQUALIFIED - PLACED 7,
PURSE REDISTRIBUTION

POSITIVE TEST- POST RACE

CODE 58-183.352 183.354 183.355 183.357 183.336 Sample # 309691 collected on 4/14/2017 from the horse Six Gun tested positive for JWH-250 (Synthetic Cannabis). Mr. DeVita as trainer is in violation of PHRC medication rules and the trainer responsibility rule. All purse money earned on 4/14/2017 must be returned within 10 days of ruling and redistributed. All transfers of horses must be approved by the judges or the PHRC. All fines must be paid within 10 days of ruling. Please note further that you have the right to appeal this decision to the state horse racing commission within 10 days after notice of this decision. The mailing address for an appeal is: The State Horse Racing Commission 2301 North Cameron St Room 301 Harrisburg PA, 17110 Attn: Brett Revington

Status as of 10/25/2017 - Subsequent Ruling - Ruling# 17077C On October 25, 2017, The State Horse Racing Commission, Bureau of Standardbred Horse Racing, received a request for an appeal and supersedes from Nicholas F. DeVita for Harrah's Philadelphia Judge's Ruling No. 17177CD. Upon review the request for an administrative hearing is GRANTED. However, the appellant's request for a

supersedes is DENIED. Based upon a weighing of the averments of record set forth by the appellant and the well-established standards set forth in Pennsylvania Public Utility Commission v. Process Gas Consumers Group, 467 A.2d 805 (1983), the Commission, through its Bureau Director of Standardbred Racing finds that: 1. DeVita failed to present substantial evidence or otherwise make a strong showing that he is likely to prevail on the merits given the severity of the drug found (JWH-250), a drug listed on the DEA class 1 list. 2. DeVita failed to demonstrate that he would be "irreparably" harmed without the requested relief pending a final resolution

EILER, OWEN C JR
PcD on 10/21/2017

PHILADELPHIA, PA

YOB 1962

FINED: \$1,000
FULL - 30 DAYS, 11/2/2017 THRU
12/1/2017

POSITIVE TEST- PRE RACE

PA Code 58-183.336.355.355.357 Mr. Eiler`s horse Southwind Indy failed the pre-race blood gas test. The horse was scratched. Mr. Eiler is suspended (full) 30 days starting on 11/2/17 and continuing through 12/1/17. He is also fined \$1000.00. During this suspension His horse, Southwind Indy is placed on the judges list for the duration of the suspension. Any transfer of horses must be approved by the judges at Pocono Downs or The State Horse Racing Commission. During this suspension he and all horses owned and trained by him are barred from all grounds under the jurisdiction of the State Horse Racing Commission.

FARTHING, WAYNE W
PHL on 9/8/2017

FINDLAY, OH

YOB 1943

FINED: \$50
INDEFINITE SUSPENSION(IND) AS OF
10/18/2017

FAILURE TO OBTAIN PROPER LICENSE

PA CODE 58-183.251 Failed to complete licensing requirements for 2017 in Pennsylvania. All fines due within 10 days of ruling. Please note further that you have the right to appeal this decision in writing to the State Horse Racing Commission within ten (10) days after notice of this decision. The mailing address for an appeal is: The State Horse Racing Commission 2301 North Cameron Street Room 301 Harrisburg PA, 17110 ATTN: Brett Revington Phone (717) 787-5991

HOCHSPRUNG, BERT J

ELBURN, IL

YOB 1962

PHL on 8/9/2017

RESTORED TO GOOD STANDING(RES)
AS OF 10/17/2017

FAILURE TO OBTAIN PROPER LICENSE

PA CODE 58-183.251 Failed to complete licensing requirements for 2017 in Pennsylvania. All fines due within 10 days of ruling. Please note further that you have the right to appeal this decision in writing to the State Horse Racing Commission within ten (10) days after notice of this decision. The mailing address for an appeal is: The State Horse Racing Commission 2301 North Cameron Street Room 301 Harrisburg PA, 17110 ATTN: Brett Revington

***Status as of 10/17/2017 - Subsequent Ruling - PA CODE 58-183.343
Having completed his license application and paid his fine he is restored to good standing in Pennsylvania.***

JOHNSTON, AARON M
PcD on 7/30/2017

EVANS CITY, PA **YOB 1990**
FINED: \$10,000
FULL - 365 DAYS, 11/1/2017 THRU
10/31/2018
HORSE DISQUALIFIED, PURSE
REDISTRIBUTION

POSITIVE TEST- POST RACE

PA Code 58-183.336.352.355.357 Sample #316199 collected at Pocono Downs on 7/30/17 from the horse Penniman after race #1 was found to contain lamotrigine. This is in violation of the Pennsylvania medication rules. Mr. Johnston is fined \$10,000.00 and suspended (full) starting on 11/1/2017 and continuing through 10/31/2018. During this suspension he and all horses owned and trained by him are barred from all grounds under the jurisdiction of the State Horse Racing Commission. Any transfer of horses by Mr. Johnston during this suspension must be approved by the judges at Pocono Downs or by the State Horse Racing Commission. You have the right to appeal this decision in writing within 10 days of notice of this decision. The address for an appeal is: 2301 N. Cameron St. Room 301 Harrisburg,PA 17110 ATTN: Brett Revington Phone- (717)-(787)-5196

LOY, TYE R
Nfld on 9/12/2017

COLUMBIA STATION, OH **YOB 1955**
FINED: \$1,000
HORSE DISQUALIFIED, PURSE
REDISTRIBUTION

POSITIVE TEST- POST RACE

Blood sample #861874 collected at the Wayne County Fair on 9/12/17 from the horse Sand Cash was found to contain dimethylsulfoxide (DMSO) at a concentration of 46.4+-0.7 micrograms per milliliter of plasma. This exceeds the Regulatory Threshold of 10 micrograms per milliliter adopted by the OSRC. All purse money must be returned for redistribution (\$2,347.00). O.S.R.C.-3769-18-01(B)(10)&(13) 18-02 18-99

MARASHIAN, MARCUS J

WASHINGTON, PA

**YOB
1974**

Wdstk on 9/16/2017

FINED: \$250

**LOW OR EXCESS LEVEL OF AUTHORIZED MEDICATION
(BUTE/LASIX)**

In accordance with 11VAC10-180-70, trainer Marcus Marashian is hereby fined \$250 for having flunixin above the regulatory threshold present in a sample take from LIBERAL after finishing second in the first race at Shenandoah Downs on Saturday, September 16, 2017.

MUSSER, JOE M JR

NORTH CANTON, OH

YOB 1965

PSHRC on 7/25/2017

RESTORED TO GOOD STANDING(RES)
AS OF 9/7/2017

**REFUSAL TO COOPERATE WITH AUTHORITIES DURING AN
INVESTIGATION**

Ruling# 17054C On April 19, 2017 The Pennsylvania State Horse Racing Commission, Bureau of Standardbred Horse Racing, issued Commission subpoena number 014-2017 in accordance with section 9312 (4) of the Race Horse Reform Act (3 Pa. C.S. 9312 (4)), to Joe M. Musser Jr. compelling him to produce records relative to an official Commission investigation. Pursuant to section 9323 (g.1)(4) of the Race Horse Reform Act (3 Pa. C.S. 9323 (g.1)(4)), the Commission may suspend, revoke or refuse to renew a license under this section if it determines that the licensee has failed to comply with an order of the Commission. Based upon his failure to produce all requested records, the Commission hereby **SUSPENDS** indefinitely all licenses held by Joe M. Musser Jr. until such time he comes into compliance with the official Commission order.

Status as of 9/7/2017 - Subsequent Ruling - RULING# 17063C The State Horse Racing Commission, Bureau of Standardbred Horse Racing, after careful review of all documentation submitted by Joe M. Musser Jr. relative to Commission Subpoena No. 014-2017, has determined that he is now in compliance with said subpoena. All licenses held by

phenylbutazone (bute) overage for KID CAVIAR from Race 9 on Oct 2, 2017 at Plainridge Park. After waiving his right to a split sample and a hearing Mr. Tomaso agreed to a \$ 100.00 fine. All fines must be paid within 48 hours and all appeals must be made in writing to the racing division of the MGC.

PART THREE - WHIPPING VIOLATIONS

ARMSTRONG, RICHARD D **ROTHESAY, NB** **YOB 1954**
Bang on 10/23/2017 FINED: \$100
FAILURE TO KEEP A LINE IN EACH HAND

BATESON, GREGORY V **TOLEDO, OH** **YOB 1966**
Nor on 10/14/2017 FINED: \$100
INAPPROPRIATE USE OF THE WHIP
MGCB Ruling 7126 - Mr. Bateson did violate the whipping policy mandated by the MGCB effective 3/01/2013.

BONGIORNO, JOSEPH R **MONROE, NJ** **YOB 1993**
YR on 10/23/2017 FINED: \$100
FAILURE TO KEEP A LINE IN EACH HAND
Mr. Bongiorno did ONE HAND his horse approaching the 3/4 pole at Yonkers on 10/23/2017. He has been fined the amount of \$ 100.00 for this violation. Any more infractions involving the whipping rule at Yonkers will lead to higher penalties.

BUTER, TYLER L **MIDDLETOWN, NY** **YOB 1985**
HoP on 10/14/2017 FINED: \$500
EXCESSIVE OR INDISCRIMINATE USE OF WHIP
71 IAC 7-3-13(d)(5) While driving in race 9 on 10/14/17 he used his whip in a manner that left welts on the horse.

CURTIN, PATRICK M **CRETE, IL** **YOB 1981**
PRc on 10/12/2017 FINED: \$250
EXCESSIVE OR INDISCRIMINATE USE OF WHIP
205 CMR 3.12 (1) USTA 18.09 (a) While driving #6 HSLB MICHELLE in Race 2 on 10/12/17 , Mr. Curtin did use his whip in an excessive manner, while the horse was racing out of contention. Fines must be paid within 48 hours and all appeals filed in writing at the racing division office of the MGC

within 10 days.

PRc on 10/20/2017

**DRIVING - 3 DAYS, 10/25/2017 THRU
10/27/2017**

EXCESSIVE OR INDISCRIMINATE USE OF WHIP

On 10/20/17 in Race 2 at Plainridge Park Racetrack, Mr. Curtin did use his whip in an excessive manner while driving CAVIART TYLER. Mr. Curtin waived his right to a hearing and has accepted a 3 day driving suspension beginning Wednesday, Oct. 25th , thru and including Friday , Oct. 27th. This was Mr. Curtin`s 4th whipping violation.

GINGRAS, YANNICK

ALLENTOWN, NJ

YOB 1979

PHL on 10/18/2017

FINED: \$200

INAPPROPRIATE USE OF THE WHIP

PA CODE 58-183.264 Violated the PHRC whipping rule. All fines due within 10 days of ruling.

INDOF, JEREMY F

BELLE VERNON, PA

YOB 1996

Wdstk on 9/24/2017

FINED: \$100

EXCESSIVE OR INDISCRIMINATE USE OF WHIP

MACDONALD, LLOYD ALEX

SOUTH PARIS, ME

YOB 1984

PRc on 10/13/2017

FINED: \$150

EXCESSIVE OR INDISCRIMINATE USE OF WHIP

205 CMR 3.12 (1) USTA 18.09 (a) While driving #1 MOUNTAIN ROCK in Race 8 on 10/13/17, Mr. MacDonald did use his whip in an excessive manner , his second offense and is hereby fined \$ 150.00 Fines must be paid within 48 hours and all appeals filed in writing at the racing division office of the MGC within 10 days.

MILLER, DAVID S

CREAM RIDGE, NJ

YOB 1964

PHL on 10/13/2017

FINED: \$200

INAPPROPRIATE USE OF THE WHIP

PA CODE 58-183.264 Violated the PHRC whipping rule. All fines due within 10 days of ruling.

SHEHAN, TYLER G

HOPKINSVILLE, KY

YOB 1982

Wdstk on 10/8/2017

FINED: \$100

EXCESSIVE OR INDISCRIMINATE USE OF WHIP

VINCENT, JUSTIN OWEN

FELTON, DE

YOB 1987

PHL on 9/8/2017

FINED: \$500

HORSE PLACED 8

FAILURE TO KEEP A LINE IN EACH HAND

PA CODE 58-183.264 Violated the PHRC whipping rule (Failure to keep a line in each hand). Please note further that you have the right to appeal this decision to the state horse racing commission within 10 days after notice of this decision. The mailing address for an appeal is: The State Horse Racing Commission 2301 North Cameron St Room 301 Harrisburg PA, 17110 Attn: Brett Revington

PART FOUR - MINOR PENALTIES

| | | |
|--------------------------------------------------------------------------|-------------------------------------------------|---------------------|
| ANDERSON, ANDREW | SHELBYVILLE, IN | YOB 1987 |
| DTN on 10/17/2017 | FINED: \$50 | |
| DELAYING THE POST PARADE | | |
| ANNUNZIATA, AL M | NEWARK, NJ | YOB 1959 |
| MR on 10/19/2017 | FINED: \$100 | |
| FAILURE TO PROVIDE ADEQUATE OR PROPER DECLARATION INFORMATION | | |
| BARTLETT, JASON JAMES | GOSHEN, NY | YOB 1981 |
| YR on 10/10/2017 | DRIVING - 5 DAYS, 10/22/2017 THRU 10/26/2017 | |
| HELP ANOTHER HORSE IMPROVE ITS POSITION | | |
| CUSHING, MITCHELL D | ALBION, ME | YOB 1998 |
| Bang on 10/11/2017 | FINED: \$100 | |
| INSIDE THE EURO RAIL / PYLON VIOLATION | | |
| DAVIS, ALLAN W | SMYRNA, DE | YOB 1976 |
| RcR on 10/14/2017 | FINED: \$150 | |
| JOSTLE, STRIKE OR HOOK WHEELS | | |
| DEVAUX, JAMES J | PORT JERVIS, NY | YOB 1967 |
| MR on 10/24/2017 | DRIVING - 3 DAYS, 10/30/2017 THRU 11/1/2017 | |
| CARRY A HORSE OUT | | |
| GAZZERRO, JOHN J | WARWICK, MD | YOB 1951 |

RcR on 10/21/2017 FINED: \$150
HORSE PLACED 4

CARRY A HORSE OUT

HALL, TONY A WASHINGTON, PA YOB 1978
Mea on 10/18/2017 FINED: \$200
JOSTLE, STRIKE OR HOOK WHEELS

HENNESSEY, EDWARD V GRAND BLANC, MI YOB 1956
Nor on 6/9/2017 HORSE PLACED 9
IMPEDING THE PROGRESS OF ANOTHER HORSE

HUCKABONE, JUSTIN VICTOR UTICA, NY YOB 1994
MR on 10/18/2017 FINED: \$50
FAILURE TO DRIVE WHEN PROGRAMMED

KONRAD, EDWARD M WESTLAND, MI YOB 1964
Nfld on 10/21/2017 FINED: \$50
FAILURE TO KEEP BOTH FEET IN THE STIRRUPS

KREISER, CORY MYERSTOWN, PA YOB 1993
Wdstk on 10/1/2017 DRIVING - 3 DAYS, 10/4/2017 THRU
10/6/2017
CHANGING COURSE/CAUSING INTERFERENCE

LANGLEY, BARRY W LEBANON, OH YOB 1985
DTN on 10/14/2017 FINED: \$50
FAILURE TO PARTICIPATE IN THE POST PARADE

MACOMBER, RICHARD L JR FISHERS, IN YOB 1970
HoP on 10/19/2017 FINED: \$50
INSIDE THE EURO RAIL / PYLON VIOLATION

PAVER, RAYMOND TOM HOUSTON, PA YOB 1955
Mea on 10/17/2017 FINED: \$200
HORSE PLACED 7
CHANGING COURSE/CAUSING INTERFERENCE

PLANTE, ROGER B JR WYOMING, DE YOB 1967
RcR on 10/15/2017 FINED: \$150
INTERFERENCE/ CAUSING ANOTHER HORSE TO MAKE A BREAK

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|---------------------|
| ROBERTS, JONATHAN W Har on 10/10/2017 LAYING BACK IN SULKY | DOVER, DE FINED: \$200 | YOB 1981 |
| SERGI, SAM VD on 10/21/2017 DELAYING THE POST PARADE | CANTON, NY FINED: \$50 | YOB 1942 |
| SEYMOUR, JASON D Nfld on 10/18/2017 LATE DRIVER CHANGE | ADRIAN, MI FINED: \$50 | YOB 1968 |
| SHETLER, ANDY R HoP on 10/18/2017 CROSSING OVER BEFORE THE START HoP on 10/19/2017 INSIDE THE EURO RAIL / PYLON VIOLATION | CHESTERFIELD, IN FINED: \$100 FINED: \$100 | YOB 1973 |
| STATHIS, SAM PcD on 10/22/2017 OTHER | DEMAREST, NJ FINED: \$200 | YOB 1962 |
| THOMPSON, JAMES E Har on 10/17/2017 LATE TO THE LASIX/ DETENTION BARN | HARTLY, DE FINED: \$200 | YOB 1959 |
| TISA, KENNETH S Wdstk on 10/1/2017 FAILURE TO HAVE HORSE PROPERLY EQUIPPED | MULLICA HILL, NJ FINED: \$50 | YOB 1965 |
| VINCENT, JUSTIN OWEN Har on 10/18/2017 LATE TO THE LASIX/ DETENTION BARN | FELTON, DE FINED: \$200 | YOB 1987 |
| WOOGEN, SCOTT D Wdstk on 10/1/2017 INSIDE THE EURO RAIL / PYLON VIOLATION | MECHANICSVILLE, VA FINED: \$50 | YOB 1955 |